



Please type a plus sign (+) inside this box → **+**

(Modified) PTO/SB/21 (6-98)  
Approved for use through 09/30/2000. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number **10/848,872**

Filing Date **May 19, 2004**

First Named Inventor **Phillip A. Patten**

Group Art Unit **1632**

Examiner Name

Total Number of Pages in This Submission **12**

Attorney Docket Number **0269us410**

## ENCLOSURES (check all that apply)

☒ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Response

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☒ Response to Missing Parts/  
Incomplete Application

☒ Response to Missing  
Parts under 37 CFR  
1.52 or 1.53

☐ Assignment Papers  
(for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition Routing Slip (PTO/SB/69)  
and Accompanying Petition

☐ Petition to Convert to a  
Provisional Application

☐ Power of Attorney, Revocation  
Change of Correspondence  
Address

☐ Terminal Disclaimer

☐ Small Entity Statement

☐ Request for Refund

☐ After Allowance Communication  
to Group

☐ Appeal Communication to Board  
of Appeals and Interferences

☐ Appeal Communication to Group  
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Additional Enclosure(s)  
(please identify below):

- Copy of Notice of Missing Parts;
- Executed Declaration;
- Power of Attorney;
- Statement under 37 CFR 3.73(b);
- Copy of Assignment (not for record'n);
- Postcard

### Authorization to Charge Deposit Account

Please charge Deposit Account No. 50-0990 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm  
or  
Individual name

Joanne R. Petithory Maxygen, Inc. Reg. No. 42,995

Signature

*Joanne R. Petithory*

Date

*Aug 2, 2004*

## Certificate of Mailing under 37 C.F.R. §1.8

I hereby certify that this is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450, Mail Stop: **Missing Parts** on this date:

Typed or Printed Name: Diane D. Dunn

Date: 8/2/04

Signature: *Diane Dunn*

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**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT (\$)** **1188.00****Complete if Known**

Application Number	10/848,827
Filing Date	May 19, 2004
First Named Inventor	Phillip A. Patten
Examiner Name	
Art Unit	1632
Attorney Docket No.	0269us410

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number  
Deposit  
Account  
Name**50- 0990****Maxygen, Inc.****The Director is authorized to: (check all that apply)**☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, **except for the filing fee** to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	770
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>			<b>(\$ 770.00)</b>

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
36	-20** = 16	X 18	= 288
1	-3** = 0	X 86	= 0
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** **(\$ 288.00)**

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES****Large Entity Small Entity**

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	130
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** **(\$ 130.00)****SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Joanne R. Petithory	Registration No. (Attorney/Agent)	42,995	Telephone	(650) 298-5300
Signature	Joanne R. Petithory	Date	July 29, 2004		

**Certificate of Mailing under 37 C.F.R. §1.8**

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Typed or Printed Name: Diane D. DunnDate: 8/2/04Signature: Diane D. Dunn



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Mail-Stop: Missing Parts

On August 2, 2004

By *Diane D. Dunn*  
DIANE D. DUNN

Attorney Docket No. 0269us410

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Phillip A. Patten, *et al.*

Application No: 10/848,827

Filed: May 19, 2004

For: Interferon-Alpha Polypeptides and  
Conjugates

Examiner: Unassigned

Art Unit: 1632

RESPONSE TO NOTICE  
OF MISSING PARTS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Mail-Stop: Missing Parts

Sir:

In response to the "Notice to File Missing Parts of Nonprovisional Application" mailed from the Patent Office on July 16, 2004, enclosed are the following to be made of record in the above-identified application:

1. Transmittal Form;
2. Fee Transmittal Sheet;
3. Copy of Notice of Missing Parts;
4. Executed Declaration;
5. Power of Attorney or Authorization of Agent, Not Accompanying Application, and Statement Under 37 CFR §3.73(b), together with a


copy of Assignment - not intended for recordation (**Please note that the Assignment is being sent for recordation under separate cover to the USPTO Assignment Division**); and

6. Return Acknowledgement Postcard.

Please charge a total of \$1188.00 (\$770.00 filing fee, \$288.00 Additional Claim fee, plus \$130.00 surcharge) to Deposit Account No: 50-0990. Please charge any additional fees, or credit any overpayment, to Deposit Account No. 50-0990.

Respectfully submitted,

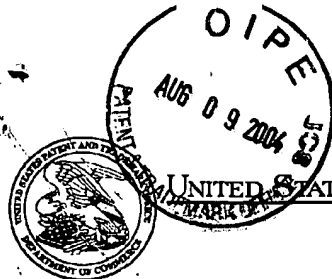
July 29, 2004

  
\_\_\_\_\_  
Joanne R. Petithory  
Reg. No. 42,995

MAXYGEN, INC.  
Patent Department  
515 Galveston Drive  
Redwood City, California 94063  
Telephone: (650) 298-5300  
Facsimile: (650) 298-5446

Customer No. 30560

IFW ✓



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/848,827	05/19/2004	Phillip A. Patten	0269us410

CONFIRMATION NO. 5777

30560  
 MAXYGEN, INC.  
 INTELLECTUAL PROPERTY DEPARTMENT  
 515 GALVESTON DRIVE  
 RED WOOD CITY, CA 94063

## FORMALITIES LETTER



\*OC000000013259041\*

Date Mailed: 07/16/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

COPY

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$288** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$1188** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

08/10/2004 WASFAW1 00000031 500990 10848827

01 FC:1001	770.00 DA
02 FC:1051	130.00 DA
03 FC:1202	288.00 DA

- Total additional claim fee(s) for this application is **\$288**

- \$288 for 16 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

Meagan W

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE